

1                                   **California Code of Regulations**

2                                   **TITLE 22. SOCIAL SECURITY**

3                                   **DIVISION 9. PRE-HOSPITAL EMERGENCY MEDICAL SERVICES**

4                                   **CHAPTER 13. EMS System Regulations**

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6   **Adopt Section 100450.100 to read:**

7   **§ 100450.100 . Appeal Proceedings to the Commission**

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9   (a) Any proceeding by the Commission to hear an appeal of a local emergency medical  
10 services agency's (LEMSA) emergency medical services (EMS) plan, pursuant to  
11 Health and Safety Code §1797.105, shall be conducted in accordance with the  
12 provisions of the Administrative Procedure Act, Government Code Section 11500 et  
13 seq, and its associated regulations as contained in Title 1 of the California Code of  
14 Regulations.

15 (b) The Office of Administrative Hearings, using an administrative law judge, shall  
16 evaluate all information submitted by the Authority and the local EMS agency.

17 (c) The administrative law judge, in making a proposed decision to the Commission,  
18 shall only make a recommendation as described in Section 1797.105(c) of Division 2.5  
19 of the Health and Safety Code to:

20 (1) Sustain the determination of the authority, or

21 (2) Overrule the determination of the authority and permit local implementation of the  
22 plan.

23 (d) Upon receipt of the Proposed Decision and Order from the Office of Administrative  
24 Hearings, the Commission shall calendar a discussion and vote of the proposed  
25 decision at the next regularly scheduled Commission meeting.

26 (e) The Commission shall permit Public comment pursuant to the Bagley-Keene Open  
27 Meeting act. The Commission shall not accept new evidence at the meeting, but shall  
28 rely solely on the evidence of record at the administrative hearing.

29 (f) The Commission's vote on the proposed decision is limited to the following:

30 (1) adopt the administrative law judge's proposed decision, or

31 (2) not adopt the administrative law judges proposed decision, or

32 (3) return the proposed decision to the office of Administrative Hearings for re-hearing if  
33 the proposed decision is inconsistent with this article or statute or regulations.

34 (g) The decision by the Commission shall be by simple majority vote of a quorum of  
35 those members present at the meeting where the proposed decision is scheduled as an  
36 agenda item.

37 (h) The decision of the Commission is final.

38 (i) Pursuant to California Code of Regulations Title 1, Section 1042, the prevailing party  
39 may recover costs.

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41 Authority: Section 1797.107 of the Health and Safety Code

42 Reference: Sections 1797.105 and 254

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